



FEDERAL REGISTER

 OF THE UNITED STATES

1934

VOLUME I NUMBER 132

Washington, Wednesday, September 16, 1936

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

**WITHDRAWAL OF PUBLIC LANDS FOR USE AS RECEIVING STATION FOR
ALASKA COMMUNICATION SYSTEM**

Alaska

1. Executive Order No. 2242 of August 31, 1915, withdrawing certain land in Alaska, under authority of the act of March 12, 1914, ch. 37, 38 Stat. 305, is hereby revoked as to the following-described land:

Beginning at corner No. 1, at point for center-quarter corner, sec. 7, T. 13 N., R. 3 W., Seward Meridian, Alaska, monumented with a one-inch pipe, thence by metes and bounds East along latitudinal center-section line 1996.8 feet; S. 50°52' W., 287.3 feet; S. 55°31' W., 291.1 feet; S. 59°47' W., 634.1 feet; S. 54°23' W., 717.7 feet; S. 65°15' W., 113 feet; N. 52°18'35" W., 917.6 feet; N. 53°21'30" E., 212.5 feet; N. 29°47' E., 506.3 feet to corner No. 1, the place of beginning, containing 33.35 acres.

2. Executive Order No. 3672 of May 8, 1922, withdrawing certain lands in Alaska, under authority of the said act of March 12, 1914, is hereby revoked as to the NE $\frac{1}{4}$ sec. 7, T. 13 N., R. 3 W., Seward Meridian, Alaska, containing 160 acres.

3. By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that the tracts of land described in paragraphs 1 and 2 hereof be, and they are hereby, withdrawn from settlement, location, sale, or entry, and reserved for use of the War Department as a Receiving Station for the Alaska Communication System, at Anchorage, Alaska.

Paragraph 3 of this order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 12, 1936.

[No. 7448]

[F. R. Doc. 2221—Filed, September 14, 1936; 2:54 p. m.]

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4696]

**TAX ON UNJUST ENRICHMENT (WINDFALL TAX) TITLE III OF
THE REVENUE ACT OF 1936**

EXTENSION OF TIME FOR FILING RETURNS AND PAYING TAX

To Collectors of Internal Revenue and Others Concerned:

The first paragraph of Treasury Decision 4689,¹ approved August 26, 1936 (Int. Rev. Bull. XV-35, 14) is hereby amended to provide as follows:

¹ F. R. 1434.

Pursuant to the provisions of section 53 and section 503 of the Revenue Act of 1936, an extension of time for such period as may be necessary, but not later than December 15, 1936, is hereby granted for the filing of returns and paying the tax under Title III of the Revenue Act of 1936, for any taxable year ended on or before August 31, 1936.

This Treasury Decision is issued under the authority prescribed by sections 53, 62, and 503 of the Revenue Act of 1936.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, Sept. 14, 1936.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 2224—Filed, September 15, 1936; 12:23 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

E. C. R.—B-1 Revised—Supplement (o) Issued September 14, 1936
1936 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 1 REVISED—SUPPLEMENT (o)

Acreage of Annual Winter Legumes Following Soil-Depleting Crops

Any acreage on which a normal seeding of an annual winter legume is made alone in 1936, prior to October 1, following a soil-depleting crop harvested in 1936 shall, subject to the conditions set forth below, be classified as follows:

(a) *Soil Conserving*.—For the purpose of meeting the conditions of section 4 of part II of E. C. R. Bulletin No. 1 Revised, Minimum Acreage of Soil-Conserving Crops, and for the purpose of meeting the conditions of section 29 of E. C. R. Bulletin No. 3 with respect to acreage of crop land seeded to soil-conserving crops in 1936, but for no other purpose, such acreage shall (notwithstanding the harvesting of the soil-depleting crop) be regarded as used for the production of a soil-conserving crop in 1936.

(b) *Soil Depleting*.—For all other purposes of E. C. R. Bulletin No. 1 Revised and all other E. C. R. Bulletins heretofore issued, the entire acreage shall be regarded as used for the production of a soil-depleting crop in 1936.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture, to be affixed in the City of Washington, District of Columbia, this 14th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2231—Filed, September 15, 1936; 12:37 p. m.]



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The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

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1936 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION		
BULLETIN NO. 1 REVISED—SUPPLEMENT (C).....		
Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 1, Revised, as amended by Supplements (a), (b), and (d), is hereby further amended by this Supplement (c) as follows:		
Section 1. Section 1, Soil-Depleting Crops, Part IV, Classification of Crops, of Bulletin No. 1, Revised, is hereby amended to read as follows:		
Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:		
(a) Corn (field, sweet, and pop-corn).....	(p) Peanuts.....	
(b) Cotton.....	(q) Sorghums, including grain sorghums, sweet sorghums, broomcorn and Sudan grass.....	
(c) Tobacco.....	(r) Small grains, including wheat, oats, barley, rye, rice, buckwheat, flax, emmer, spelt, and grain mixtures, unless turned under as a green manure crop.....	
(d) Potatoes.....	(s) Millets.....	
(e) Sweetpotatoes.....	(t) Safflower.....	
(f) Rice.....	(u) Soybeans, field beans, cowpeas, field peas, seed peas, canning peas, and vetch, unless turned under as a green manure crop.....	
(g) Sugar beets.....		
(h) Hemp.....		
(i) Cultivated sunflowers.....		
(j) Mustard (commercial).....		
(k) Hops.....		
(l) Artichokes.....		
(m) Bulbs.....		
(n) Rape.....		
(o) Truck and vegetable crops and their seed, melons, and strawberries.....		
Section 2. The first six lines of Section 2, Soil-Conserving Crops, Part IV, Classification of Crops, of Bulletin No. 1, Revised, is hereby amended to read as follows:		
Land devoted to any of the following crops in 1936 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 above), shall be regarded as having been used for the production of a soil-depleting crop for such year, unless otherwise provided:		
In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of September, 1936.		

S. R.—B-1, Revised—Supplement (u)

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 1, REVISED—SUPPLEMENT (U)

Part IV, entitled "Classification of Crops", contained in Southern Region Bulletin No. 1, Revised, is hereby amended by adding at the end thereof the following new section:

SECTION 4. Winter Legumes Following Soil-Depleting Crops.—Where an annual winter legume or alfalfa is seeded alone in the fall (prior to October 31) of 1936 on an acreage from which a soil-depleting crop was harvested in 1936, the acreage so seeded to such legumes may be substituted in lieu of soil-conserving crops for purposes of diversion and meeting the minimum acreage of soil-conserving crops computed pursuant to section 6, part II, and for no other purpose, notwithstanding the provisions of section 2 of this part IV.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2229—Filed, September 15, 1936; 12:36 p. m.]

[F. R. Doc. 2230—Filed, September 15, 1936; 12:36 p. m.]

W. R.—B-2, Montana—1, Revised
Supplement (a)

Issued Sept. 14, 1936

1936 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION
BULLETIN NO. 2, MONTANA—1, REVISED—SUPPLEMENT (a)

Soil-Building Practices—Montana

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 2—Montana—1, Revised, is hereby amended by this Supplement (a) as follows:

Section 3. Summer Fallow: Additional Soil-Depleting Crops is amended to read as follows:

In the counties of Toole, Liberty, Hill, Phillips, Teton, and Cascade, crop land devoted to summer fallow (excluding clean cultivated orchards and vineyards), except when otherwise classified in 1936 in accordance with the provisions of Section 4, (B), below, shall, for a particular farm, be regarded as used for the production of a soil-depleting crop within the meaning of Section 1, Part IV, of Western Region Bulletin No. 1, Revised, when a written request to this effect, signed by all persons entitled to share in payments made with respect to such farm under the 1936 Agricultural Conservation Program, has been filed with the County Committee.

Section 4. Soil-Building Practices which may be Substituted for Soil-Conserving Crops. Subsection (B), of Bulletin No. 2, Montana—1, Revised, is hereby amended to read as follows:

Acreage in fallow qualifying for payment under the provisions of Section 1 (G) (2) above shall be regarded as used for the production of a soil-conserving crop within the meaning of and subject to the provisions of Section 2, Part IV, of Western Region Bulletin No. 1, Revised, for the purpose of fulfilling all requirements of said bulletin with respect to soil-conserving crops.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of September, 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2232—Filed, September 15, 1936; 12:37 p. m.]

Bureau of Animal Industry.

ORDER PROMULGATING RULES OF PRACTICE TO GOVERN PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT, 1921, AS AMENDED

Pursuant to authority conferred upon me by law (5 U. S. C., Sec. 22 and 7 U. S. C., Sec. 228) I, H. A. Wallace, Secretary of Agriculture, do hereby promulgate the following rules of practice to govern proceedings arising under the Packers and Stockyards Act, 1921, as amended:

1. Any complaint issued under section 203 (a), and any notice of inquiry issued under section 306 (e), 309 (b), 309 (c), 311, or 401, and any petition filed pursuant to section 309 (a), and any order to show cause why an application for license should not be denied or why a license should not be suspended or revoked, issued under section 502 (b) or section 503, shall state, briefly and clearly, the facts complained of, in the case of a complaint or petition, or the matters concerning which the notice of inquiry or order to show cause is issued. A person against whom a complaint, or to whom a notice of inquiry or order to show cause, is issued shall be designated as the respondent, and a person against whom a petition is filed shall be designated as the defendant.

2. The complaint, petition, notice of inquiry, or order to show cause shall be assigned a docket or file number and the proceedings had thereunder shall thereafter be referred to by such number.

3. The complaint, petition, notice of inquiry or order to show cause shall be served upon the respondent or defendant by an employee of the Department of Agriculture or by registered mail, return receipt requested. If the respondent or defendant is a corporation, service shall be had upon the

president, secretary, treasurer, or statutory agent of the corporation.

4. When a petition is filed against a stockyard owner, market agency, or dealer, the defendant, if he wishes to deny or explain any of the allegations contained therein, shall file with the Secretary, within 20 days after the receipt of the petition, an answer in duplicate signed by the defendant or his attorney. If the defendant is a corporation, the answer shall be signed by the president, secretary, treasurer, or attorney of the corporation. The answer shall be so drawn as fully and completely to state the nature of the defense and shall admit or deny specifically and in detail each material and relevant allegation of the petition. One copy of the answer shall be forwarded by the Secretary to the petitioner.

5. After the expiration of the period for the filing of an answer by a defendant against whom a petition has been filed, the Secretary shall set a time and place for a hearing and shall give due notice thereof to the defendant and to the petitioner.

6. The Secretary shall set a time and place for a hearing upon any complaint, notice of inquiry, or order to show cause issued under the act.

7. The Secretary shall designate an employee of the Department of Agriculture as examiner to conduct the hearing, and such examiner may, in accordance with the rules of evidence applicable to administrative proceedings, admit or exclude any evidence presented and may limit the scope of any evidence admitted.

Parties may appear in person or by counsel. All persons who appear at the hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

Except in the case of an order to show cause why an application for license under title V of the act should not be denied, in which case the applicant for license shall proceed first, the party instituting a proceeding shall proceed first at the hearing.

The testimony of the witnesses at the hearing shall be upon oath or affirmation administered by the examiner.

Copies of the records of the Department of Agriculture, certified under the seal of the Department, shall be admissible to the same extent that the original records would be admissible.

The deposition of any witness, taken after reasonable notice to the opposite party and at a time and place and before a person designated for the purpose by the Secretary, shall be admitted if the evidence is otherwise admissible.

Affidavits, if relevant and material, may, in the discretion of the examiner, be admitted, but the Secretary will consider the lack of opportunity for cross-examination in determining the weight that shall be given to such affidavits.

Hearsay evidence may, in the discretion of the examiner, be admitted even though it does not come within any well-recognized exception to the hearsay rule, but the Secretary will determine what weight shall be given to such evidence.

The form of the introduction of evidence shall not be a ground for objecting to such evidence.

When practicable to do so, a copy of each exhibit shall be furnished to the opposing party either before or at the time of its introduction.

Judicial notice, on request, will be taken of such matters as are noticed by the courts of the United States.

If a party objects to the admission of any evidence offered against him or the rejection of any evidence offered by him, or to the limitation of the scope of any evidence introduced by him, he shall state the grounds of such objection. If the objection is overruled, he may take an exception.

8. At the hearing, the Department shall be represented by an attorney designated by the Solicitor of the Department.

9. At the conclusion of the hearing, the examiner shall announce the period of time within which briefs may be filed following the receipt by the respondent or defendant and the petitioner, if any, of the tentative findings of fact and the tentative order, as set out in paragraph 10.

10. The examiner, within a reasonable time after the conclusion of the hearing, shall prepare tentative findings of fact and a tentative order, which shall be served upon, or

sent by registered mail to, the respondent or defendant and the petitioner, if any.

11. Within 20 days after the receipt of the tentative findings of fact and the tentative order (unless the time is extended by the Solicitor of the Department of Agriculture), any party who wishes to take exceptions to any matters set out therein shall transmit his exceptions to the Solicitor. At the same time, the party shall transmit a brief statement concerning each of the exceptions to the actions of the examiner at the hearing, as set out in paragraph 7, upon which he wishes to rely. If exception is taken to any tentative finding of fact, reference must be made to the pages or parts of the record relied upon and a corrected finding of fact must be submitted. A party, if he files exceptions, shall state in writing whether he desires to make an oral argument on the exceptions before the Secretary.

12. In the event that an oral argument before the Secretary is requested, a date for such argument shall be fixed by the Secretary or by the Under Secretary or Assistant Secretary, if designated by the Secretary to act in his stead.

13. If oral argument is heard in any proceeding by the Secretary or Acting Secretary, the final order in the proceeding shall be issued by the person who heard the argument.

14. An application for rehearing, reargument, reconsideration, or modification of a final order must be made by petition filed in duplicate with the Secretary. The petition must state specifically the grounds relied upon. A copy of any such application filed by a petitioner or defendant shall be transmitted by the Secretary to the adverse party. In the event that a rehearing is granted by the Secretary, or a hearing is ordered upon a petition for the modification of a final order, the applicable rules of procedure, as set out herein, shall be followed.

This order shall be effective on and after the 28th day of September 1936.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed this 14th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2226—Filed, September 15, 1936; 12:35 p. m.]

ORDER PROMULGATING RULES OF PRACTICE TO COVER HEARINGS ON REVOCATION OF LICENSES UNDER THE VIRUSES, SERUMS, TOXINS ACT

Pursuant to authority conferred upon me by law (21 U. S. C. Sec. 154) I, H. A. Wallace, Secretary of Agriculture, do hereby promulgate the following rules of practice to govern hearings in the matter of revocation of licenses issued under the authority of the Viruses, Serums, Toxins Act of March 4, 1913:

1. When the Secretary has reason to believe that a license or permit issued under the authority of this act is being used to facilitate or effect the preparation, sale, barter, exchange, or shipment, or the importation into the United States, of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, the Secretary shall serve upon the licensee or permittee an order to show cause why such license or permit should not be suspended or revoked, and, pending the hearing upon such order, the Secretary may temporarily suspend such license or permit.

2. The order to show cause shall be assigned a docket or file number and the proceedings had thereunder shall thereafter be referred to by such number.

3. The order to show cause shall be addressed to the licensee or permittee, who shall be designated as the respondent, and shall be served upon the licensee or permittee by an employee of the Department of Agriculture or by registered mail, return receipt requested. If the respondent is a corporation, service shall be had upon the president, secretary, treasurer, or statutory agent of the corporation.

4. The Secretary shall set a time and place for a hearing upon the order to show cause.

5. The Secretary shall designate an employee of the Department of Agriculture as examiner to conduct the hearing, and such examiner may, in accordance with the rules of evidence applicable to administrative proceedings, admit or exclude any evidence presented and may limit the scope of any evidence admitted.

The respondent may appear in person or by counsel. All persons who appear at the hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

The testimony of the witnesses at the hearing shall be upon oath or affirmation administered by the examiner.

Copies of the records of the Department of Agriculture, certified under the seal of the Department, shall be admissible to the same extent that the original records would be admissible.

The deposition of any witness, taken after reasonable notice to the opposite party and at a time and place and before a person designated for the purpose by the Secretary, shall be admitted if the evidence is otherwise admissible.

Affidavits, if relevant and material, may, in the discretion of the examiner, be admitted, but the Secretary will consider the lack of opportunity for cross-examination in determining the weight that shall be given to such evidence.

Hearsay evidence may, in the discretion of the examiner, be admitted even though it does not come within any well-recognized exception to the hearsay rule, but the Secretary will determine what weight shall be given to such evidence.

The form of the introduction of evidence shall not be a ground for objecting to such evidence.

When practicable to do so, a copy of each exhibit shall be furnished to the opposing party either before or at the time of its introduction.

Judicial notice, on request, will be taken of such matters as are noticed by the courts of the United States.

If the respondent objects to the admission of any evidence offered against him or the rejection of any evidence offered by him, or to the limitation of the scope of any evidence introduced by him, he shall state the grounds of such objection. If the objection is overruled, he may take an exception.

6. At the hearing, the Department shall be represented by an attorney designated by the Solicitor of the Department.

7. At the conclusion of the hearing, the examiner shall announce the period of time within which briefs may be filed following the receipt by the respondent of the tentative findings of fact and the tentative order, as set out in paragraph 8.

8. The examiner, within a reasonable time after the conclusion of the hearing, shall prepare tentative findings of fact and a tentative order, which shall be served upon the respondent or sent to him by registered mail.

9. Within 20 days after the receipt of the tentative findings of fact and the tentative order, the respondent, if he wishes to take exceptions to any matters set out therein, shall transmit such exceptions to the Solicitor of the Department of Agriculture. At the same time, the respondent shall transmit a brief statement concerning each of the exceptions to the actions of the examiner at the hearing, as set out in paragraph 5, upon which he wishes to rely. If exception is taken to any proposed finding of fact, reference must be made to the pages or parts of the record relied upon and a corrected finding of fact must be submitted. The respondent, if he files exceptions, shall state in writing whether he desires to make an oral argument on the exceptions before the Secretary.

10. In the event that an oral argument before the Secretary is requested, a date for such argument shall be fixed by the Secretary or by the Under Secretary or Assistant Secretary, if designated by the Secretary to act in his stead.

11. If oral argument is heard in any proceeding by the Secretary or Acting Secretary, the final order in the proceeding shall be issued by the person who heard the argument.

This order shall be effective on and after the 28th day of September 1936.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed this 14th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2225—Filed, September 15, 1936; 12:35 p. m.]

Bureau of Entomology and Plant Quarantine.

D. E. P. Q.—395 (Revised)

Sept. 15, 1936.

LIST OF ARTICLES EXEMPT FROM CERTIFICATION REQUIREMENTS
UNDER THE JAPANESE BEETLE QUARANTINE (QUARANTINE
NO. 48)

In accordance with the proviso in Notice of Quarantine No. 48, as revised, effective March 16, 1936, the following articles, the interstate movement of which is not considered to constitute a risk of Japanese beetle dissemination, are exempted from the restrictions of the regulations of this quarantine:

Balsam pillows, when composed of balsam needles only.
Banana stalks, when crushed, dried, and shredded.
Cut orchids.

Dyed moss and dyed sand, when heat treated, and when so labeled on the outside of each container of such materials.
Floral designs or "set pieces", including wreaths, sprays, casket covers, and all formal florists' designs other than bouquets and cut flowers.

Greensand or greensand marl, when treated and so labeled on the outside of each container of such materials.

Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container of such materials.

Imported peat when shipped in the unopened original container and labeled as to each container with the country of origin.

Manure, peat, compost, or humus, when dehydrated and either shredded, ground, pulverized, or compressed, and when so labeled on the outside of each commercial container of such materials.

Orchid plants, when growing exclusively in Osmunda fiber.
Mushroom spawn, in brick, flake, or pure culture form.

Osmunda fiber, Osmundine, or orchid peat (*Osmunda cinnamomea*, and *O. claytoniana*).

Resurrection plant or bird's-nest moss (*Selaginella lepidophylla*).

Sheet moss (*Calliergon schriberi*) and (*Thuridium recognitum*).

Silica sand or similar material, when processed by crushing, grinding, and dehydrating silica or other rock, and when so labeled on the outside of each container of such material, or when so designated on the waybill accompanying bulk carload shipments of the material.

Sphagnum moss, bog-moss, or peat moss, when dried and baled (Sphagnaceae).

Submerged aquatic plants, including:

Cryptocoryne spp.

Eel-grass or tape-grass (*Vallisneria spiralis*).

False loosestrife (*Ludwigia muleritii*).

Fish grass, Washington plant, or Fanwort (*Cabomba caroliniana*).

Hornwort or coon tail (*Ceratophyllum demersum*).

Water milfoil (*Myriophyllum* spp.).

Water weed, ditch-moss, water thyme, or anacharis (*Elodea canadensis*).

[SEAL]

LEE A. STRONG,
Chief, Bureau of Entomology
and Plant Quarantine.

[F. R. Doc. 2233—Filed, September 15, 1936; 12:37 p. m.]

Commodity Exchange Administration.

ORDER DESIGNATING THE BOARD OF TRADE OF THE CITY OF CHICAGO AS A CONTRACT MARKET FOR COTTON UNDER THE COMMODITY EXCHANGE ACT

Pursuant to the authorization and direction contained in the Commodity Exchange Act (7 U. S. C., secs. 1-17, as amended by the act of Congress approved June 15, 1936, Public, No. 675, 74th Cong.), I, H. A. Wallace, Secretary of Agriculture, do hereby designate the Board of Trade of the City of Chicago, Illinois, as a contract market for cotton under the Commodity Exchange Act, effective September 13, 1936, said Board of Trade having applied for, and having otherwise complied with the conditions imposed by said act precedent to such designation. Such designation is subject hereafter to suspension or revocation in accordance with the provisions of said act: *Provided*, That for the purpose of such suspension or revocation, such designation and the order issued by the Secretary of Agriculture on May 3, 1923, designating the said Board of Trade as a contract market under the provisions of the Grain Futures Act, shall constitute a single designation.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington this 14th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2228—Filed, September 15, 1936; 12:36 p. m.]

ORDER DESIGNATING THE BOARD OF TRADE OF KANSAS CITY AS A CONTRACT MARKET FOR MILL FEEDS UNDER THE COMMODITY EXCHANGE ACT

Pursuant to the authorization and direction contained in the Commodity Exchange Act (7 U. S. C., secs. 1-17, as amended by the act of Congress approved June 15, 1936, Public, No. 675, 74th Cong.), I, H. A. Wallace, Secretary of Agriculture, do hereby designate the Board of Trade of Kansas City, Missouri, as a contract market for mill feeds under the Commodity Exchange Act, effective September 13, 1936, said Board of Trade having applied for, and having otherwise complied with the conditions imposed by said act precedent to such designation. Such designation is subject hereafter to suspension or revocation in accordance with the provisions of said act: *Provided*, That for the purpose of such suspension or revocation, such designation and the order issued by the Secretary of Agriculture on May 5, 1923, designating the said Board of Trade as a contract market under the provisions of the Grain Futures Act, shall constitute a single designation.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, this 14th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2227—Filed, September 15, 1936; 12:36 p. m.]

Food and Drug Administration.

ORDER PROMULGATING RULES OF PRACTICE TO GOVERN HEARINGS ON REVOCATION OF PERMITS UNDER THE FEDERAL IMPORT MILK ACT

Pursuant to authority conferred upon me by law (21 U. S. C. Sec. 143) I, H. A. Wallace, Secretary of Agriculture, do hereby promulgate the following rules of practice to govern hearings in the matter of revocation of permits issued under the authority of the Federal Import Milk Act of February 15, 1927:

1. When the Secretary has reason to believe that the holder of any permit for the shipment of milk or cream into the United States has failed to comply with the provisions of or

has violated Sections 141 to 149 of Title 21, United States Code, or any of the regulations made thereunder, or that the milk or cream shipped by the holder of the permit into the United States is not produced and handled in conformity with, or that the quality thereof does not conform to, all of the provisions of section 142 of title 21, the Secretary shall serve upon the permittee an order to show cause why such permit should not be revoked, and, pending the hearing upon such order, the Secretary may temporarily suspend such permit.

2. The order to show cause shall be assigned a docket or file number and the proceedings had thereunder shall thereafter be referred to by such number.

3. The order to show cause shall be addressed to the permittee, who shall be designated as the respondent, and shall be served upon the permittee by an employee of the Department of Agriculture or by registered mail, return receipt requested. If the respondent is a corporation, service shall be had upon the president, secretary, treasurer, or statutory agent of the corporation.

4. The Secretary shall set a time and place for a hearing upon the order to show cause.

5. The Secretary shall designate an employee of the Department of Agriculture as examiner to conduct the hearing, and such examiner may, in accordance with the rules of evidence applicable to administrative proceedings, admit or exclude any evidence presented and may limit the scope of any evidence admitted.

The respondent may appear in person or by counsel. All persons who appear at the hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

The testimony of the witnesses at the hearing shall be upon oath or affirmation administered by the examiner.

Copies of the records of the Department of Agriculture, certified under the seal of the Department, shall be admissible to the same extent that the original records would be admissible.

The deposition of any witness, taken after reasonable notice to the opposite party and at a time and place and before a person designated for the purpose by the Secretary, shall be admitted if the evidence is otherwise admissible.

Affidavits, if relevant and material, may, in the discretion of the examiner, be admitted, but the Secretary will consider the lack of opportunity for cross-examination in determining the weight that shall be given to such evidence.

Hearsay evidence may, in the discretion of the examiner, be admitted even though it does not come within any well-recognized exception to the hearsay rule, but the Secretary will determine what weight shall be given to such evidence.

The form of the introduction of evidence shall not be a ground for objecting to such evidence.

When practicable to do so, a copy of each exhibit shall be furnished to the opposing party either before or at the time of its introduction.

Judicial notice, on request, will be taken of such matters as are noticed by the courts of the United States.

If the respondent objects to the admission of any evidence offered against him or the rejection of any evidence offered by him, or to the limitation of the scope of any evidence introduced by him, he shall state the grounds of such objection. If the objection is overruled, he may take an exception.

6. At the hearing, the Department shall be represented by an attorney designated by the Solicitor of the Department.

7. At the conclusion of the hearing the examiner shall announce the period of time within which briefs may be filed following the receipt by the respondent of the tentative findings of fact and the tentative order, as set out in paragraph 8.

8. The examiner, within a reasonable time after the conclusion of the hearing, shall prepare tentative findings of fact and a tentative order, which shall be served upon the respondent or sent to him by registered mail.

9. Within 20 days after the receipt of the tentative findings of fact and the tentative order, the respondent, if he

wishes to take exceptions to any matters set out therein, shall transmit such exceptions to the Solicitor of the Department of Agriculture. At the same time, the respondent shall transmit a brief statement concerning each of the exceptions to the actions of the examiner at the hearing, as set out in paragraph 5, upon which he wishes to rely. If exception is taken to any proposed finding of fact, reference must be made to the pages or parts of the record relied upon and a corrected finding of fact must be submitted. The respondent, if he files exceptions, shall state in writing whether he desires to make an oral argument on the exceptions before the Secretary.

10. In the event that an oral argument before the Secretary is requested, a date for such argument shall be fixed by the Secretary or by the Under Secretary or Assistant Secretary, if designated by the Secretary to act in his stead.

11. If oral argument is heard in any proceeding by the Secretary or Acting Secretary, the final order in the proceeding shall be issued by the person who heard the argument.

This order shall be effective on and after the day of September 29, 1936.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed this 15th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2235—Filed, September 15, 1936; 1:00 p. m.]

INTERSTATE COMMERCE COMMISSION.

[No. 3668]

ORDER

IN THE MATTER OF REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration;

And it appearing, That upon motion of the Commission or applications made by interested parties, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and upon investigation are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport;

It is ordered, That the aforesaid regulations as heretofore published in orders of May 12, 1930, Apr. 7, 1931, Dec. 15, 1931, Apr. 18, 1932, Oct. 14, 1932, Jan. 13, 1934, Aug. 24, 1934, Nov. 1, 1934, Nov. 6, 1934, July 23, 1935, Dec. 10, 1935, and March 12, 1936, be and they are hereby superseded and amended as follows, effective December 7, 1936:

RAIL REGULATIONS—FREIGHT

Amending order May 12, 1930, as follows (dangerous articles list):

Article	Classed as	Section	Page
(Add) Sulphur trioxide	Corrosive liquid	3	49

Amending par. 7, order May 12, 1930, as follows (specification containers prescribed):

(Add) (d) *Specification containers* made and maintained in full compliance with corresponding specifications prescribed by the Board of Railway Commissioners for Canada in its Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight and Specifications for Shipping Containers and marked in accordance therewith, C. R. C., etc., may be used for shipment of

explosives and other dangerous articles under the Commission's regulations.

Superseding and amending par. 55, order May 12, 1930, to read as follows (*preparation high explosives*):

55. *High Explosives* containing nitroglycerin or other liquid explosive ingredients must have uniformly mixed with an absorbent material a satisfactory antacid, which must be in quantity sufficient to have the acid neutralizing power of an amount of magnesium carbonate equal to 1 percent of the nitroglycerin or other liquid explosive ingredient.

Superseding and amending pars. 56 (a-e), orders Mar. 12, 1936, May 12, 1930, Nov. 1, 1934, and Jan. 13, 1934, to read as follows (*dynamite, gelatin dynamite, and blasting gelatin*):

56. (a) *Packing*.—Cartridges shall consist of a column of explosives completely inclosed in a shell made of strong paper, so treated that it will not absorb the liquid constituent of the explosive. Bags shall be made of strong paper so treated that it will not absorb the liquid constituent of the explosive.

(b) *Dynamite containing not more than 30 per cent liquid explosive ingredients* may be shipped when packed into cartridges not exceeding 8 inches in diameter or 50 pounds in weight, but in no case shall the length exceed 30 inches, and may also be shipped when packed in bags containing not to exceed 12½ pounds each with filling holes up.

(c) *Dynamite containing more than 30 per cent liquid explosive ingredients* may be shipped when made into cartridges not exceeding 4 inches in diameter or 8 inches in length; it may also be shipped when made into cartridges not exceeding 5 inches in diameter or 10 inches in length, provided each such cartridge is inclosed alone, or with other cartridges in another strong paper shell and the entire cartridge dipped in melted paraffin or equivalent material. The length of the completed cartridge shall not exceed 30 inches.

(d) *Gelatin dynamite and blasting gelatin* may be shipped when packed into cartridges not exceeding 8 inches in diameter or 50 pounds in weight, but in no case shall the length exceed 30 inches. Gelatin dynamite may also be shipped when packed in bags containing not to exceed 12½ pounds each with filling holes up.

(e) *Straight gelatin dynamites of 80 per cent strength and over and blasting gelatin* may be shipped in bulk when packed in boxes, in compliance with paragraph 59 (a). For bulk packing the paper lining used must be double throughout.

Superseding and amending 2d subpar., par. 57 (a), order Dec. 10, 1935, to read as follows (*packing high explosives containing no liquid explosive ingredient*):

When shipped in bulk, such explosives must be in strong sift-proof cloth or paper bags packed in wooden boxes, specification 14 or 15A, or in fiberboard boxes, specification 23F, lined as described in paragraph 59 (a);

Or in wooden boxes, specification 14 or 15A, or in fiberboard boxes, specification 23F, with strong sift-proof paper liner with cemented seams and closure;

Or in strong sift-proof cloth or paper bags in wooden kegs or barrels, specification 10B.

Superseding and amending par. 59 (b), order Oct. 14, 1932, to read as follows (*packing high explosives*):

(b) Dry fine wood pulp or sawdust at least ¼ inch in depth must be spread over the bottom of boxes, lined in accordance with subparagraph (a) before the cartridges or bags of explosives with liquid ingredient are packed therein. Movement of contents within the boxes shall be prevented by sufficiently tight packing.

Superseding and amending pars. 123 (a) (1, 2), orders May 12, 1930, and July 23, 1935, to read as follows (*packing small-arms ammunition*):

In pasteboard or other inside boxes, packed—(1) In securely closed strong wooden boxes, fiberboard boxes, or metal containers. (Par. 123 (a) (2) canceled.)

Superseding and amending par. 126 (c), order May 12, 1930, to read as follows (*explosives definitions*):

(c) Cordeau detonant is a drawn-lead tube fuse containing trinitrotoluene or a core of pentaerythrite tetranitrate overspun with yarns, tapes, and waterproofing compounds.

Superseding and amending par. 201 (e), order Dec. 15, 1931, to read as follows (*forbidden articles*):

(e) Rags or cotton waste, oily with more than 5 percent of vegetable or animal oil; wet rags; wet waste wool; wet textile waste; wet waste paper; burnt fiber; or wet paper stock. Wet hair must not be shipped except in gondola cars.

Superseding and amending par. 263, order May 12, 1930, to read as follows (*exceptions from labels*):

263. Inflammable liquids must be shipped without labels, and marked, and certified "No LABEL REQUIRED", when packed as follows:

(a) When flash point is above 20° F.: In containers of over 16 ounces avoidupois and not over 1-quart capacity each, properly packed in outside specification containers as prescribed herein.

(b) Paint, varnish, and other articles listed in paragraph 249, in glass or earthenware vessels not over 1-gallon capacity each, or metal cans not over 5-gallons capacity each, properly packed in outside specification containers as prescribed herein.

Superseding and amending item of list, par. 277 (c), order May 12, 1930, to read as follows (*inflammable solids and oxidizing materials*):

Article	Group	Exemption	Packing
Matches, book, with other articles	Inf. S.	(1)	300 (a)

¹ No exemption.

Superseding and amending par. 278 (c), order May 12, 1930, to read as follows (*exemptions from regulations*):

(c) Strike-on-box and book matches, except see paragraph 300 (a).

Superseding and amending par. 278 (g), order Mar. 12, 1936, to read as follows (*exemptions from regulations*):

(g) Ammonium nitrate, barium nitrate, lead nitrate, potassium nitrate, sodium nitrate (nitrate of soda), strontium nitrate, nitro carbo nitrate, or other inorganic nitrates: In metal cans in outside fiberboard or wooden boxes; in wooden boxes, kegs, barrels, metal cans, or drums; or calcium nitrate in bags.

Superseding and amending 2d subpar., par. 299, order May 12, 1930, to read as follows (*exemption from regulations*):

Except as prescribed herein (par. 300 (a)), strike-on-box and book matches are not subject to these regulations.

Superseding and amending par. 300 (a), order May 12, 1930, to read as follows (*packing matches*):

300. (a) Strike-on-box or book matches when packed with non-inflammable articles may be shipped provided the matches are inclosed in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition, before being placed in the outside container.

Amending order Dec. 15, 1931, as follows (*packing book matches*):

Cancel paragraph 300 (b).

Amending par. 324A, order Dec. 10, 1935, as follows (*packing sodium hydrosulphite*):

(Add) Or in plywood drums, specification 22B, with inside metal drums.

Superseding and amending 2d subpar., par. 328, order May 12, 1930, to read as follows (*exemptions from labels*):

In inside containers exceeding one pound each, and not exceeding 25 pounds in one outside package.

Amending list, par. 346 (c), order May 12, 1930, as follows (*corrosive liquids*):

Article	Exemption	Packing
(Add) Sulphur trioxide	(1)	348 to 350, 367.

¹ No exemption.

Amending par. 347, order May 12, 1930, as follows (*exemptions from regulations*):

(Add) (d) *Electric storage batteries* containing electrolyte or corrosive battery fluid, of the nonspillable type, protected against short circuits and completely and securely boxed.

Amending list, par. 349, order May 12, 1930, as follows (*special packing corrosive liquids*):

Article	Paragraph
(Add) Sulphur trioxide	367

Superseding and amending subpar. of par. 358, order Dec. 15, 1931, to read as follows (*packing anhydrous hydrofluoric acid*):

Anhydrous hydrofluoric acid must be shipped in cylinders, specification 4B, steel barrels or drums, specification 5A, or in tank cars, specification 104A, 105A, or ARA IV-A type.

Superseding and amending 3d subpar., with addition, par. 361 (a), orders Apr. 7, 1931, and July 23, 1935, to read as follows (*packing nitric acid*):

Or in carboys in boxes, barrels, or kegs, specification 1A or 1C, when specific gravity does not exceed 1.43; straight-sided carboys, as distinguished from "balloon" carboys, must be used for all shipments of nitric acid; cushioning must be incombustible mineral material, elastic wooden-strip packing, or large elastic cushions, such as cork, fastened securely in position; the use of hay, celsior, ground cork, or similar material, whether treated or untreated, is prohibited;

Wire loops of cold-drawn annealed 18-8 chrome alloy wire at least No. 16 Birmingham gage are permitted in place of wire prescribed by specifications 1A and 1C.

Amending par. 362, order May 12, 1930, as follows (*packing sulphuric acid*):

(Add) (c) Soft rubber gaskets are authorized on carboys in boxes, barrels, or kegs containing sulphuric acid of not over 1.4 specific gravity.

Amending order May 12, 1930, as follows (*packing sulphur trioxide*):

(Add) 367. *Sulphur trioxide* must be packed as follows: In wooden boxes, specification 15A, 15B, 15C, 16A, and 19A, with glass or earthenware inside containers not over 1 gallon each;

Or in metal barrels or drums, specification 5A, not over 55 gallons capacity each.

Superseding and amending item of list, par. 405, order May 12, 1930, to read as follows (*packing compressed gases*):

Article	Filling density	Cylinders
Methyl chloride (see note 4)	Percent 75	ICC-3A150; ICC-3B150; ICC-4A150; ICC-4B150; ICC-5; ICC-4; ICC-2; ICC-25-300; ICC-38.

NOTE 4.—Cylinders ICC-3A150, ICC-3B150, ICC-4A150, and ICC-4B150 manufactured prior to December 7, 1936, are also authorized.

Superseding and amending in part, par. 431 (b), order Oct. 14, 1932, to read as follows (*delivery tank cars of compressed gases*):

(2) Any tank car of other than ICC 106A type, containing liquefied hydrocarbon or liquefied petroleum gas, and having liquid and vapor ejection lines equipped with check valves, may be delivered and unloaded on carrier tracks, if the lading is piped directly from car to permanent storage of sufficient capacity to receive contents of car.

Amending par. 432, order May 12, 1930, as follows (*tank cars for compressed gases*):

(Add) Tank cars of other than ICC 106A type, used for shipping liquefied hydrocarbon or liquefied petroleum gas, must have the liquid and vapor ejection lines equipped with check valves.

Superseding and amending 2d subpar., par. 462 (c), order Mar. 12, 1936, to read as follows (*exemptions from regulations*):

Cyanides or cyanide mixtures in tightly closed glass, earthenware, or metal inside containers, securely cushioned when necessary to prevent breakage, and packed in outside wooden or fiberboard boxes or in wooden barrels. Net weight of cyanides or cyanide mixtures in any outside container, not over 5 pounds.

Superseding and amending 2d and 3d subpars., par. 502, order Oct. 14, 1932, to read as follows (*packing cyanides and cyanide mixtures*):

In wooden boxes, specification 15A, 15B, or 15C, with metal inside containers, specification 2F, not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, specification 2F;

Or in wooden barrels or drums, specification 11A or 11B, with metal inside containers, specification 2F, not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, specification 2F;

Superseding and amending par. 602 (e), order Apr. 18, 1932, to read as follows (*forbidden articles*):

(e) Rags or cotton waste, oily with more than 5 per cent of vegetable or animal oil; wet rags; wet waste wool; wet textile waste; wet waste paper; burnt fiber; or wet paper stock. Wet hair must not be shipped except in gondola cars.

Superseding and amending in part par. 690, order Oct. 14, 1932, to read as follows (*delivery tank cars of compressed gases*):

(2) Any tank car of other than ICC 106A type containing liquefied hydrocarbon or liquefied petroleum gas, and having liquid and vapor ejection lines equipped with check valves, may be delivered and unloaded on carrier tracks, if the lading is piped directly from car to permanent storage of sufficient capacity to receive contents of car.

RAIL REGULATIONS—EXPRESS

Amending order May 12, 1930, as follows (*dangerous articles list*):

Article	Classed as—	Section	Page
(Add) Sulphur trioxide.	Corrosive liquid.	3	204

Amending par. 9, order May 12, 1930, as follows (*specification containers prescribed*):

(Add) (e) Specification containers made and maintained in full compliance with corresponding specifications prescribed by the Board of Railway Commissioners for Canada in its Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight and Specifications for Shipping Containers and marked in accordance therewith, C R C etc., may be used for shipment of explosives and other dangerous articles under the Commission's regulations.

Superseding and amending par. 27 (e), order May 12, 1930, to read as follows (*explosives definitions*):

(e) Cordeau detonant is a drawn-lead tube fuse containing trinitrotoluene or a core of pentaerythrite tetranitrate overspun with yarns, tapes, and waterproofing compounds.

Superseding and amending pars. 33 (a) (1, 2), orders May 12, 1930, and July 23, 1935, to read as follows (*packing small-arms ammunition*):

In pasteboard or other inside boxes, packed—

(1) In securely closed strong wooden boxes, fiberboard boxes or metal containers. (Par. 33 (a) (2) canceled.)

Superseding and amending par. 137 (c), order Oct. 14, 1932, to read as follows (*exemptions from regulations*):

(c) Inflammable solids or oxidizing materials, except as otherwise shown in paragraph 137, total weight not over one pound in any outside package. This exemption does not apply to benzoyl peroxide; calcium phosphide; cobalt resinate, precipitated; match-tipped (self-lighting) cigarettes; matches; motion-picture film; metallic potassium; metallic sodium; phosphoric anhydride; phosphorus, amorphous, red; phosphorus, white or yellow; phosphorus pentachloride; sodium peroxide; sodium picramate; or zirconium, metallic, wet, sludge, or dry.

Superseding and amending par. 146 (d), order May 12, 1930, to read as follows (*packing matches*):

(d) Strike-on-box or book matches when packed with noninflammable articles may be shipped provided the matches are inclosed in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition, before being placed in the outside container.

Amending order Dec. 15, 1931, as follows (*packing book matches*):

Cancel paragraph 146 (e).

Amending par. 163, order Dec. 10, 1935, as follows (*packing sodium hydrosulphite*):

(Add) Or in plywood drums, specification 22B, with inside metal drums.

Amending list, par. 176 (c), order May 12, 1930, as follows (*corrosive liquids*):

Article	Quantity	Packing, marking
(Add) Sulphur trioxide.	1 gallon.	14, 180, 194, 197.

Amending par. 177, order Mar. 12, 1936, as follows (*exemptions from regulations*):

(Add) (c) Electric storage batteries containing electrolyte or corrosive battery fluid, of the nonspillable type, protected against short circuits and completely and securely boxed.

Amending order May 12, 1930, as follows (*packing sulphur trioxide*):

(Add) 194. *Sulphur trioxide* must be in well-stoppered earthenware or glass vessels of not more than 1 gallon capacity, packed in strong wooden boxes, specification 15A, 15B, 15C, 16A, or 19A.

Superseding and amending item of list, par. 215, order May 12, 1930, to read as follows (*packing compressed gases*):

Article	Filling density	Cylinders
Methyl chloride (see note 4)	Percent 75	ICC-3A300; ICC-3B300; ICC-4A300; ICC-4B300; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC-38.

Note 4.—Cylinders ICC-3A150, ICC-3B150, ICC-4A150, and ICC-4B150 manufactured prior to December 7, 1936, are also authorized.

Amending order May 12, 1930, as follows (*disposition of on-hand shipments*):

Cancel Note, paragraph 280.

SHIPPING CONTAINER SPECIFICATIONS FOR RAIL, WATER, AND HIGHWAY

Superseding and amending par. 2, specification 1C, order Apr. 7, 1931, to read as follows:

2. In place of paragraphs 9 to 13, inclusive, the following: Outside barrels and kegs must comply with specification 10C, exclusive of lining, unprotected projections, tests, and marking requirements.

Amending specification 5E, order May 12, 1930, as follows:

(Add) 9. In place of paragraph 11, the following is authorized: Threaded metal flanges and plugs, when used as closures, must have adequate gaskets, be tight fitting, and be constructed so that at least three full threads are engaged when plug is screwed home with gasket in place.

Amending specification 5J, order Mar. 12, 1936, as follows:

(Add) 8. In place of paragraph 11, the following is authorized: Threaded metal flanges and plugs, when used as closures, must have adequate gaskets, be tight fitting, and be constructed so that least three full threads are engaged when plug is screwed home with gasket in place.

Amending order July 23, 1935, as follows (*shipping container specifications*):

Cancel specification 23G.

Superseding and amending par. 6, specification 24A, order May 12, 1930, to read as follows:

6. Sealing tape must be properly prepared and evenly coated with animal glue equal to, or better than, No. 1 1/4 Peter Cooper Standard. For cloth tape the woof threads must have a tearing strength of at least 70 units by the Elmendorf test. Paper tape must consist of paper strips made of two thicknesses of No. 1 kraft paper of 40 pounds base, 24 by 36 inches—480 count, combined with asphalt reinforced with sisal fibers between the plies.

Superseding and amending par. 15, specification 24A, order May 12, 1930, to read as follows:

15. Joints formed by adjoining edges of body pieces must be secured by cloth or paper sealing tape, at least 3 inches wide for boxes of 40 pounds or more gross weight, and at least 2 inches wide for other boxes, securely glued over the edges the entire length of joints.

Superseding and amending par. 6 (a), specification 103, order May 12, 1930, to read as follows:

6. (a) *Riveting*.—For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than one-sixteenth inch. All rivets must be driven hot. The use of two "liners" not to exceed one inch in width and one-sixteenth inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars, to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible.

Superseding and amending par. 12 (b), specification 104A, order May 12, 1930, to read as follows:

(b) The interior pipes of the liquid and gas discharge valves must be equipped with check valves.

Superseding and amending par. 8 (b), specification 105A300, order May 12, 1930, to read as follows:

(b) The interior pipes of the liquid and gas discharge valves may be equipped with check valves (see paragraph 432 of freight regulations).

WATER REGULATIONS

Amending stowage, order Aug. 24, 1934, as follows:

Article	Properties	Label	Outside containers	Stowage
(Add) Sulphur tri-oxide.	Corrosive liquid.	White.	Wooden barrels, kegs, or boxes, carboys, metal barrels, or drums.	A

Superseding and amending par. W 14 (b), order Aug. 24, 1934, to read as follows (*empty carboys*):

(b) Carboys previously used for the shipment of corrosive liquids must have been thoroughly (completely) drained before being presented to any carrier for transportation as "empty" carboys. (See par. 201 (h).)

HIGHWAY REGULATIONS

Superseding and amending par. T-16 (b), order Nov. 6, 1934, to read as follows (*empty carboys*):

(b) Carboys previously used for the shipment of corrosive liquids must have been thoroughly (completely) drained before being presented to any carrier for transportation as "empty" carboys.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in force on and after December 7, 1936, and shall be observed until further order of the Commission:

It is further ordered, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof:

And it is further ordered, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 27th day of August, 1936.
By the Commission, Commissioner McManamy.

[SEAL] GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2215—Filed, September 14, 1936; 1:28 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 9th day of September A. D. 1936.

[Docket No. BMC 46053]

APPLICATION OF BUCHMAN AND BROCKWAY, INC., FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Buchman and Brockway, Inc., of Box 46, Somerville, N. J., for a Certificate of Public Convenience and Necessity Form BMC 1, Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Commodities Generally and Specialties, in Interstate Commerce, From and Between Points in the States of New Jersey, New York, Pennsylvania, Maryland, Delaware, Massachusetts, Connecticut, Rhode Island, Virginia, North Carolina, South Carolina, and District of Columbia, Over Regular and Irregular Routes

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner A. S. Parker for hearing and

for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor:

It is further ordered, That this matter be set down for hearing before Examiner A. S. Parker, on the 5th day of October, A. D. 1936, at 10 o'clock a. m. (standard time), at the office of the Interstate Commerce Commission, Washington, D. C.

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2220—Filed, September 14, 1936; 1:31 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of September A. D. 1936.

[Docket No. BMC 49296]

APPLICATION OF BIGLEY BROTHERS, INC., FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Bigley Brothers, Inc., of 1600 Willow Avenue, Hoboken, N. J., for a Permit (Form BMC A1), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally With Exceptions, in Interstate Commerce, From and Between Points in the States of Connecticut, Maryland, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner E. S. Idol for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner E. S. Idol, on the 5th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the office of the Interstate Commerce Commission, Washington, D. C.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2218—Filed, September 14, 1936; 1:30 p. m.]

ORDER

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 27th day of August A. D. 1936.

[Docket No. BMC 50293]

APPLICATION OF THE HUTTER CONSTRUCTION COMPANY FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of the Hutter Construction Company, a Corporation, of 134 Western Avenue, Fond du Lac, Wis., for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Beer, Beer Containers, Building Materials and Equipment Used in the Building Industry, in Interstate Commerce, From and Between Points in the States of Wisconsin, Iowa, Illinois, and Minnesota, Over Specified Routes

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner S. A. Aplin for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner S. A. Aplin on the 9th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the U. S. Court Rooms, Madison, Wis.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2216—Filed, September 14, 1936; 1:30 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 28th day of August A. D. 1936.

[Docket No. BMC 50487]

APPLICATION OF ROY MICHAEL FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Roy Michael, of R. R. No. 6, Dayton, Ohio, for a Certificate of Public Convenience and Necessity (Form BMC 8, New Operation), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Household Goods and Furniture Only, in Interstate Commerce, from Dayton, Miamisburg, Germantown, and Other Points Within 20 Miles of Dayton, Ohio, to Points Located in the States of Ohio, Missouri, Illinois, Indiana, Michigan, Kentucky, Tennessee, West Virginia, Virginia, Maryland, New Jersey, New York, Pennsylvania, Wisconsin, and Iowa, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner T. B. Johnston for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered. That this matter be set down for hearing before Examiner T. B. Johnston, on the 13th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the U. S. Court Rooms, Dayton, Ohio;

It is further ordered. That notice of this proceeding be duly given;

And it is further ordered. That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2217—Filed, September 14, 1936; 1:30 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of September A. D. 1936.

[Docket No. BMC 79638]

APPLICATION OF BIGLEY TRUCKING CORPORATION FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Bigley Trucking Corporation, of 1476 Broadway, New York, N. Y., for a Permit (Form BMC A1), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, with Exceptions, in Interstate Commerce, From and Between Points in the States of Connecticut, Maryland, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered. That the above-entitled matter be, and it is hereby, referred to Examiner E. S. Idol for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered. That this matter be set down for hearing before Examiner E. S. Idol, on the 5th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the office of the Interstate Commerce Commission, Washington, D. C.;

It is further ordered. That notice of this proceeding be duly given;

And it is further ordered. That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2219—Filed, September 14, 1936; 1:31 p. m.]

[Fourth Section Application No. 165101]

RATES TO POINTS ON TEXAS PACIFIC RAILWAY

SEPTEMBER 15, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: The Texas and Pacific Railway Company.
Commodities involved: All commodities.

From: New Orleans, Gouldsboro, Gretna, Harvey, Marrero, Port Chalmette, Westwego, Belle Chasse, and Lake Charles, La.

To: Points on The Texas and Pacific Railway east of and intermediate to Fort Worth and Dallas, Texas, on import and inbound coastwise traffic.

Grounds for relief: Port equalization. By this application applicant carriers propose to increase their present rates to destinations named above which are now in accordance with section 4 and continue their present rates to Ft. Worth and Dallas, Texas, to satisfy complaints of Houston port interests.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2222—Filed, September 15, 1936; 12:06 p. m.]

[Fourth Section Application No. 165111]

CLASS AND COMMODITY RATES LYKES-COASTWISE LINE, INC.

SEPTEMBER 15, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: Lykes-Coastwise Line, Inc.

Commodities involved: Class and commodity rates.

Between: Points named in Agent W. J. Sedgman's tariff I. C. C. no. 219.

Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 2223—Filed, September 15, 1936; 12:06 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKKLLY-JOHNSON FARM, FILED ON AUGUST 22, 1936, BY GENERAL INDUSTRIES CORPORATION, LTD., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,¹ which was last set to be heard at 3:00 o'clock in the afternoon of the 14th day of September 1936 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 28th day of September 1936, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 2234—Filed, September 15, 1936; 12:48 p. m.]

¹ F. R. 991, 1471, 1517.

FEDERAL REGISTER, September 16, 1936

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of September A. D. 1936.

[File No. 2-2379]

IN THE MATTER OF REGISTRATION STATEMENT OF TULSA OIL
DEVELOPMENT COMPANY

ORDER DESIGNATING OFFICER TO TAKE TESTIMONY

The Commission having heretofore, on August 22, 1936, directed that a hearing be held in this matter,¹ under Section 8 (d) of the Securities Act of 1933, as amended, on September 1, 1936, and

¹ 1 F. R. 1398.

The said hearing having been continued, at the request of the registrant, to 10 o'clock in the forenoon on September 16, 1936, in Room 1103, Securities and Exchange Commission Building, 1718 Pennsylvania Avenue NW, Washington, D. C.,

It is ordered that Allen MacCullen, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 2236—Filed, September 15, 1936; 1:02 p. m.]